

Atty. Dkt. No. 085747-0245

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Linda D. Artman *et al.*  
Title: Treating a Variety of Pathological Conditions, Including Spasticity and  
Convulsions, by Effecting a Modulation of CNS Activity with Isovaleramide,  
Isovaleric Acid, or a Related Compound  
Appl. No.: 10/614,344  
Filing Date: 07/08/2003  
Examiner: Shahnam J. Sharareh  
Art Unit: 1617

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, NPS PHARMACEUTICALS, INC., having its principal place of business at 420 Chipeta Way, Salt Lake City, UTAH 84108-1256, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/614,344, filed 07/08/2003, which is a divisional of U.S. Patent Application No. 09/258,882, filed 03/01/1999. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,589,994, which issued on U.S. Patent Application No. 09/258,882, filed March 01, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. PCT/US97/15272, filed August 29, 1997, by virtue of an Assignment filed and recorded on April 20, 1999, on Reel/Frame 009961/0587, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A, which claims benefit of U.S. Provisional Application 60/025,050, filed 08/30/1996.

Your Petitioner, NPS PHARMACEUTICALS, INC., hereby disclaims the terminal part of the term of any patent granted on the captioned application that would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 6,589,994, and hereby agrees that any patent so granted on the application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,589,994 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

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In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the captioned application, prior to the full statutory term of U.S. Patent No. 6,589,994 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent No. 6,589,994 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §154, prior to the full statutory term of U.S. Patent No. 6,589,994 as defined in 35 U.S.C. §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the application that would extend beyond the present termination of U.S. Patent No. 6,589,994, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the application to the extent provided by law.

The undersigned, being the Attorney of Record for the captioned application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignment attached as Appendix A and, to the best of his knowledge and belief, that legal title to the application and U.S. Patent No. 6,589,994 rests with Petitioners, NPS PHARMACEUTICALS, INC. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the captioned application or any patent issuing therefrom.

Respectfully submitted,

Date 19 October 2004

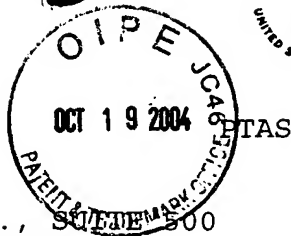
By R. Brian McCaslin

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JULY 22, 1999

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/20/1999

REEL/FRAME: 009961/0587  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ARTMAN, LINDA D.

DOC DATE: 03/23/1999

ASSIGNOR:

BALANDRIN, MANUAL

DOC DATE: 03/23/1999

ASSIGNOR:

SMITH, ROBERT L.

DOC DATE: 04/12/1999

ASSIGNEE:

NPS PHARMACEUTICALS, INC.  
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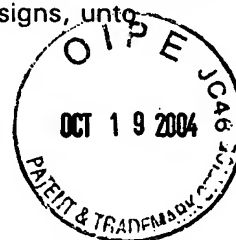
SERIAL NUMBER: 09258882  
PATENT NUMBER:

FILING DATE: 03/01/1999  
ISSUE DATE:

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

NPS Pharmaceuticals, Inc.  
420 Chipeta Way, Suite 240  
Salt Lake City, Utah 84108-1256



its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

**TREATING A VARIETY OF PATHOLOGICAL CONDITIONS, INCLUDING SPASTICITY AND CONVULSIONS, BY EFFECTING A MODULATION OF CNS ACTIVITY WITH ISOVALERAMIDE, ISOVALERIC ACID, OR A RELATED COMPOUND**

as set forth in his United States Patent Application

— executed concurrently herewith  
— executed on \_\_\_\_\_  
XX Serial No. 09/258,882 filed March 1, 1999

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify in any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Linda D. Artman	Signature: <i>Linda D. Artman</i>	Date: 3/27/1999
Name: Manuel Balandrin	Signature: <i>Manuel F. Balandrin</i>	Date: 3-23-99.
Name: Robert L. Smith	Signature: <i>Robert L. Smith</i>	Date: 4/12/99
NAMES AND SIGNATURES OF WITNESSES		
Name: <i>Leslie Lancaster</i>	Signature: <i>Leslie Lancaster</i>	Date: 3/23/99
Name: <i>Ann P. Smith</i>	Signature: <i>Ann P. Smith</i>	Date: 4/12/99